

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

RAYMOND WOOLLARD, *et al.*,

*

Plaintiffs,

*

v.

*

Civil Case No. 1:10-cv-2068-BEL

MARCUS BROWN, *et al.*,

*

Defendants.

*

* * * * *

SECOND NOTICE OF SUPPLEMENTAL AUTHORITY

In connection with the Court's consideration of the parties' cross-motions for summary judgment, the defendants provide this notice of two recent decisions by federal district courts rejecting constitutional challenges to state handgun wear and carry permit statutes. The two decisions, both issued on September 29, 2011, are: (1) *Hightower v. City of Boston*, 2011 U.S. Dist. LEXIS 111327, Civ. A. No. 08-11955-DJC, *61-70 (D. Mass. Sept. 29, 2011); and (2) *Kuck v. Danaher*, 2011 U.S. Dist. LEXIS 111793, Civ. A. No. 3:07-cv-1390, *20-37 (D. Conn. Sept. 29, 2011).¹

¹ On September 8, 2011, the defendants provided notice of the United States District Court for the Southern District of New York's decision in *Kachalsky v. Cacace*, 2011 U.S. Dist. LEXIS 99837, No. 10-CV-5413 (CS), *54-105 (S.D.N.Y. Sept. 2, 2011). The plaintiffs took that opportunity to submit a seven-page argument (ECF No. 47) attempting to refute the reasoning of the court in *Kachalsky*. Notably, plaintiff Second Amendment Foundation is a plaintiff both in this case and in *Kachalsky*; plaintiffs in both cases share the same lead counsel; and the plaintiffs made, and the court in *Kachalsky* rejected, nearly all of the same arguments in that case as the plaintiffs have made in this case. Although the defendants found the plaintiffs' supplemental arguments as deficient as did the district court in *Kachalsky*, the defendants understand merits briefing on the parties' cross-motions for summary judgment in this case to be concluded, and do not

Respectfully submitted,

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Counsel for Defendants

believe that a notice of supplemental authority that merely identifies newly-decided case law changes that. As a result, the defendants did not respond to the plaintiffs' brief regarding *Kachalsky*, and again refrain in this notice from making arguments regarding the two new authorities identified herein. If the Court believes that additional briefing in light of the decisions in *Kachalsky*, *Hightower*, and *Kuck* would be beneficial, the defendants would be happy to submit a brief.